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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-335

13 ANNA V. VISHNEVSKAYA
1230 20th Avenue, Apt. 3
14 San Francisco, California 94122
Registered Nurse License No. 565299
Public Health Nurse Certificate No. 61995
Nurse Practitioner Certificate No. 16402

FIRST AMENDED ACCUSATION

15 Respondent.

16
17
18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this First Amended
21 Accusation solely in her official capacity as the Executive Officer of the Board of Registered
22 Nursing, Department of Consumer Affairs.

23 2. On or about March 21, 2000, the Board of Registered Nursing issued
24 Registered Nurse License Number 565299 to Anna V. Vishnevskaya (Respondent). The
25 Registered Nurse License was in full force and effect at all times relevant to the charges brought
26 herein and will expire on June 30, 2009, unless renewed.

27 3. On or about April 6, 2000, the Board of Registered Nursing issued Public
28 Health Nurse Certificate Number 61995 to Respondent. The Public Health Nurse Certificate was

1 in full force and effect at all times relevant to the charges brought herein and will expire on June
2 30, 2009, unless renewed.

3 4. On or about April 14, 2006, the Board of Registered Nursing issued Nurse
4 Practitioner Certificate Number 16402 to Respondent. The Nurse Practitioner Certificate was in
5 full force and effect at all times relevant to the charges brought herein and will expire on June 30,
6 2009, unless renewed.

7 JURISDICTION

8 5. This First Amended Accusation is brought before the Board of Registered
9 Nursing (Board), Department of Consumer Affairs, under the authority of the following laws.
10 All section references are to the Business and Professions Code unless otherwise indicated.

11 STATUTORY PROVISIONS

12 6. Section 2750 of the Code provides, in pertinent part, that the Board may
13 discipline any licensee, including a licensee holding a temporary or an inactive license, for any
14 reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

15 7. Section 2764 of the Code provides, in pertinent part, that the expiration of a
16 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
17 against the licensee or to render a decision imposing discipline on the license. Under section
18 2811(b) of the Code, the Board may renew an expired license at any time within eight years after
19 the expiration.

20 8. Section 2761 of the Code states, in pertinent part, that "[t]he board may
21 take disciplinary action against a certified or licensed nurse or deny an application for a
22 certificate or license for any of the following:

23 . . .

24 "(f) Conviction of a felony or of any offense substantially related to the
25 qualifications, functions, and duties of a registered nurse, in which event the record of the
26 conviction shall be conclusive evidence thereof."

27 9. Section 490 of the Code states, in pertinent part, that "[a] board may
28 suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the

1 crime is substantially related to the qualifications, functions, or duties of the business or
2 profession for which the license was issued. A conviction within the meaning of this section
3 means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action
4 which a board is permitted to take following the establishment of a conviction may be taken when
5 the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or
6 when an order granting probation is made suspending the imposition of sentence, irrespective of a
7 subsequent order under the provisions of Section 1203.4 of the Penal Code."

8 10. Section 125.3 of the Code provides, in pertinent part, that the Board may
9 request the administrative law judge to direct a licensee found to have committed a violation or
10 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
11 and enforcement of the case.

12 FIRST CAUSE FOR DISCIPLINARY ACTION

13 (Substantially Related Conviction)

14 11. Respondent is subject to disciplinary action under sections 2761(f) and 490
15 of the Code in that she was convicted of a crime substantially related to the qualifications,
16 functions or duties of a registered nurse in that on or about December 17, 2007, in the Superior
17 Court of California, County of San Mateo, Case Number NM370205A, entitled *The People of the*
18 *State of California v. Anna Visnevskaya*, Respondent was convicted by the court on her plea of
19 nolo contendere of violating section 460(b) of the Penal Code (larceny). Pursuant to said
20 conviction, the imposition of sentence was suspended and Respondent was placed on court
21 probation for 18 months. On or about February 15, 2008, the court modified the probation and
22 ordered Respondent to make restitution to Target for damages in the amount of \$382.65 plus a ten
23 percent (10%) administrative fee.

24 12. The factual circumstances surrounding said conviction are as follows:

25 a. On or about August 23, 2007, Respondent, while employed as a
26 Nursing Instructor at Seton Medical Center in Daly City, California, stole a Target Visa credit
27 card that she found lying on a break room floor at Seton Medical Center. The Target Visa credit
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1 belonged to J. R.^{1/}, the husband of C. M., Respondent's co-worker. On that same day, Respondent
2 used the stolen Target Visa credit card at Target to make fraudulent purchases at three separate
3 registers for amounts totaling \$343.39, \$97.41, and \$70.84, respectively.

4 PRAYER

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein
6 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

7 1. Revoking or suspending Registered Nurse License Number 565299, issued
8 to Anna V. Vishnevskaya (Respondent).


9 2. Revoking or suspending Public Health Nurse Certificate Number 61995,
10 issued to Respondent.

11 3. Revoking or suspending Nurse Practitioner Certificate Number 16402,
12 issued to Respondent.

13 4. Ordering Respondent to pay the Board of Registered Nursing the
14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
15 Professions Code section 125.3;

16 5. Taking such other and further action as deemed necessary and proper.

17
18 DATED: 9/23/08

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20 
21 RUTH ANN TERRY, M.P.H., R.N.
22 Executive Officer
23 Board of Registered Nursing
24 Department of Consumer Affairs
25 State of California
26 Complainant

25 03579110SF400802528
26 CSR: 09/22/08

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28 1. The victims will be referred to by initials only in order to preserve confidentiality.